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ABSTRACT

This paper discusses specific issues involving governmental conduct in communication with the public, outlines a set of conditions that frequently stimulate social interest in governmental responsibility, and develops a corresponding set of guidelines for use in the evaluation of instances of questionable governmental conduct in communication. There are seven areas of activity in which the behavior of governmental officials historically has been subject to possible indictment as irresponsible: falsification of information released to the public, classification of documents, attempts to manage the release of news, intimidation of the news media, interference with exercise of free speech, acts of political espionage, and communication disguised as something it is not. Each of the seven areas of activity is discussed at length and for each a guideline is provided which is designed to aid in the recognition of irresponsible behavior by government officials. (RB)

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GUIDELINES FOR THE ANALYSIS OF RESPONSIBILITY IN GOVERNMENTAL COMMUNICATION

Dennis S. Gouran

When I first agreed to write a paper developing guidelines for the analysis of responsibility in governmental communication, I believed the task would be a relatively simple one. During the period I have been studying the matter, however, I have altered my perspective considerably and, I hope, constructively. Initially, I had assumed that one need only identify the more glaring examples of irresponsible behavior in governmental communication and from those instances extrapolate a set of general principles to serve as criteria for judging future cases. Finding appropriate illustrations was no problem, for the number of governmental actions susceptible to the charge of irresponsibility is indeed substantial, and one would experience great difficulty listing them, let alone analyzing and discussing each. What perplexed me most was the adequacy of my own conception of responsibility. What does it mean to communicate responsibly, and what are the indicies by which one can make such determinations? In grappling with these questions, my impulse to be objective came into sharp conflict with the recognition that any assessment of responsibility, of necessity, entails a value judgment, regardless of the care exercised in the identification of standards. Consequently, anyone in my position would run the risk of making what Bergmann refers to as ideological statements; that is, observations confusing one's value judgments with propositions of fact.[1] To avoid this complication, I have tried to acknowledge that much of what I have to say is cast in the form of value judgments even though factual considerations are involved in their formation.

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Adding to the problem has been my realization that judgments of responsibility, in part, depend on the context in which the behavior at issue is manifest. The same behavior exhibited under different circumstances might warrant discrepant judgments. To some, this type of seeming inconsistency would be tantamount to hypocristy. A realistic and fair appraisal of official conduct, however, dictates consideration of such circumstantial factors before any final judgment concerning the responsibility of one's communication behavior in a given situation can be reached.

I have not intended to imply by the preceding remarks that members of our association should refrain from judging the extent to which people in government conform to the standards of responsibility on which we might agree. On the contrary, my study of governmental behavior has convinced me of the need for scrutiny, evaluation, and response. What concerns me in raising these types of issues is that we avoid becoming the very thing we are trying to combat, namely, irresponsible communicators. With this in mind, I have tried as carefully as I can to outline a set of conditions that frequently stimulate social interest in responsibility and to develop a corresponding set of guidelines for use in the evaluation of given instances of questionable conduct. The specific examples chosen to illustrate problem types are in many cases controversial. Accordingly, I have attempted to identify the assumptions one must make before reaching the conclusion that a particular standard of responsible communication behavior has been violated. Whether the standards themselves appear reasonable I assume I shall discover from the responses to what I say. In short, the approach to this paper is to raise issues, not to resolve them.

On the basis of the many and varied materials I have consulted in preparing for this program, it seems clear that there are at least seven areas of activity in which, historically, the behavior of governmental officials has been subject to possible indictment as irresponsible. Included are the falsification of information released to the public, classification of documents, news management, intimidation of the news media, interference with the exercise of free speech, political espionage, and disguised communication. Let me, in the moments that remain, discuss these subjects in greater detail and present the standard of evaluation I believe appropriate to each.

In the recent past, perhaps the two most discussed cases of falsifying information released to the public are President Johnson's assertions underlying the need for the Gulf of Tonkin Resolution and President Nixon's repeated denials of any knowledge of or involvement in the Watergate Cover-up. At 1:30 P.M. on August 4, 1964, Commodore John J. Herrick reached the Pentagon with the following cable:

> Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonar man may have accounted for many reports. No actual visual citings by Maddox. Suggest complete evaluation before any further action.[2]

In spite of the uncertainty involved, President Johnson that very night addressed the American people and reported that vessels of the U.S. Navy on patrol in the Gulf of Tonkin had been attacked by the North Vietnamise. Three days later, a Joint Session of Congress sanctioned the President's response to that alleged attack and thereby assured continued involvement in our nation's longest war.

On March 30, 1973, President Richard M. Nixon announced that he had for the first time on March 21 become aware of attempts by members of the

Whitehouse staff and other officials in his administration to prevent public disclosure of administrative involvement in the breakin of National Democratic Headquarters.[3] Despite this and other frequent denials of knowledge of the coverup, the June 23, 1972 transcript of a Nixon-Haldeman conversation clearly reveals that not only did the President know about the coverup but that he may well have ordered it.[4]

If one assumes that the statements of these two men are substantially at odds with the facts and that, at the time of utterance, they were fully aware of the discrepancies, then the indictment of irresponsibility is clearly warranted. The consequences of President Johnson's actions and the destructive potential of Richard Nixon's were far too serious to dismiss with the cliche that "all politicians lie." So probably do most other human beings, but that neither justifies the behavior nor the activities to which it led. The general guideline suggested by the preceding and similar instances is that the deliberate falsification of information released to the public, especially under circumstances involving the general welfare, is inappropriate and irresponsible.

I suppose one could advance the argument that, in both of the cases cited, the parties involved honestly believed that their actions were serving the public interest; hence, the charge of irresponsibility is undeserved. Such a position might have credibility if one were able to convince himself that plunging the nation into an undeclared war at uncalculated human and material costs and sanctioning illicit activities while at the very same time publically decrying the country's burgeoning crime rate serve the public interest. Personally, I find myself unable to reason to such a conclusion.

The unwarranted classification of government documents is an issue brought into focus by the Pentagon Papers.[5] The facts in that particular case are by now so familiar that a summary statement seems unnecessary. Of greater importance is the general concern triggered by the release and publication of those documents: that is, the question of national security verses the public's right to know. Although a system of classification for documents whose public availability might jeopardize the nation's capacity for protecting itself, to conduct foreign policy, or to prevent our enemies from achieving their objectives (when those objectives are patently destructive) seems desirable, one must also question the wisdom of a practice that can maintain ignorance, lead to the continued misuse of public funds, and involve the country in commitments its citizens and duly elected representatives might not willingly make.

Some obvious problems exist with respect to determining whether information has been justifiably classified. First, we do not know frequently what has been selected for classification. Second, when a document has been declassified, in retrospect, the security rating may seem to have been unwarranted even though at the time of original classification the designation appeared necessary. Finally, there are literally millions of documents which have various levels of security ratings. Trying to determine if the assigned rating of each is appropriate would be almost impossible. Still, the question of the public's right to know keeps the matter alive.

When asked what he thought of the principle of the people's right to know, General and former Ambassador Maxwell Taylor responded, "I don't believe in that as a general principle."[6] It is, of course, this type of attitude that leads many to the belief that government officials are desirous of only two things from the public: the people's economic support and the

granting of the freedom to do whatever they please. Moreover, the public is to expect nothing in return.

In some cases, the information held inaccessible is probably not worth knowing. For example, the Pentagon has classified a 1912 document outlining one of the Defense Department's then current contingency plans.[7] On the other hand, the release of the Pentagon Papers made it apparent that United States citizens had been continuously deceived on the matter of our involvement in Vietnam. The government argued that classification was necessitated by national security interests, yet as Richard Harwood has pointed out, "The substance and in some cases the precise details of virtually everything the Washington Post and the New York Times have printed from the Pentagon Papers is ancient history."[8]

If it is true that the Pentagon Papers contained no information injurious to national security and that the motives of those insisting upon continued classification were to mislead Americans about their role in the Southeast Asian adventure, the charge of irresponsibility again seems called for. Although it is likely that few documents wrongly classified will come to our general attention, it nevertheless seems desirable to propose an evaluative criterion for the cases that do arise. Such a standard might be that the classification of government documents for the purpose of deceiving or otherwise keeping the public uninformed on matters affecting private citizens' well being is inappropriate and irresponsible. This criterion will be difficult to apply because of the varied interpretations of what in any given instance constitutes deception. Nonetheless, it should aid in focusing on the behavior one is trying to characterize.

News management is a third area of concern in assessing the communication behavior of governmental figures. The Presidential new conference and press briefing are possible the two most conspicuous forums in which such behavior arises. Certain questions are precluded while others are answered with "No comment!". On occasion outright lies are told. As New Republic journalist John Osborne observed after five years of watching the Nixon Whitehouse, "The consensus of reporters who regularly cover the Whitehouse is that Ron Ziegler is a proven deceiver and liar and that Mr. Nixon will have no credibility so long as Ziegler continues to be his chief spokesman."[9]

A fascinating example of news management in process is revealed in the eighteen minute conversation held by Richard Nixon, John Ehrlichman, and Ron Ziegler on March 30, 1973.[10] At issue, was the preparation of Ziegler for his afternoon press briefing in which he was to create the appearance that the Whitehouse was doing everything possible to get to the bottom of the Watergate case. The fact that it had done nothing to that point was apparently a matter of no concern. Only the illusion of activity was.

The generation and dissemination of news, of necessity, is a selective process. As a result, all news that reaches the consumer has been to some extent managed. The crucial questions underlying the management of news by governmental officials are "How?" and "Why?". When news has been deliberately manipulated to mislead, conceal embarrassing facts, or coverup wrongdoing, the grounds for assessing responsibility are clear. The activities of the Whitehouse staff on March 30, 1973, to which I referred earlier, point to news management in its worst sense. Unfortunately, this type of behavior has not been characteristic of only the Nixon administration.

The handling of the Bay of Pigs Invasion by the Kennedy administration[11] and Eisenhower's response to the U-2 Incident[12] are replete with examples of conscious deception of the public through news management. In each of these cases, the truth surfaced in time; however, the possible consequences the country faced while its leadership was "managing" the situation represents, in my judgment, the very height of irresponsibility.

In cases such as the Bay of Pigs and the U-2 Incident, there has been a general lack of concern about censure. Perhaps, the embarrassment to the individuals in question seems a sufficient punishment. In fact, when Kennedy finally shouldered responsibility for his fiasco, his popularity rating shot up to 82 percent.[13] A possible reason for such a charitable response might be that people felt that these men were doing what they believed to be best for the country at the time. I have a hunch that such was not the case and that political survival rather than public interest was the stronger motivating force. The paradox of resentment toward news management and tolerance of it under circumstances of disclosure notwithstanding, I would argue that news management of this type is reprehensible and that we should judge individual cases of suspected management against the following standard: <u>The deliberate use of official news sources for the purpose of obscuring embarrassing and deceitful governmental acts is inappropriate and irresponsible</u>.

Consistent with the desire of some governmental figures to put the best possible face on their acts through news management has been an underlying tendency to intimidate the press. The most celebrated instance of such intimidation in recent years was Vice President Agnew's speech in Des Moines

on November 13, 1969.[14] Were the speech but an isolated event, one might argue that Mr. Agnew was simply exercising his right to criticise, an act certainly no worse than those of the commentators about whom he was speaking. There is, however, a whole catalogue of activities that suggest the speech was part of a concerted effort to assure that the Nixon administration would be portrayed only in the most favorable terms by the news media. Included in the list were threats of antitrust action, attempts to force reporters to reveal confidential sources, court action to prevent the publication of the Pentagon Papers, and an unannounced search of the Pentagon press room by agents of that organization's Counterintelligence Force.[15]

John Mitchell's response that "Katie Graham's gonna get her tit caught in a big fat wrinter if that's published" to reporter Carl Bernstein's announcement that the Washington Post was about to publish a story identifying Mr. Mitchell as the controller of CRP's secret fund[16] is one of the more blatant examples of attempted intimidation. One also finds it difficult to believe that the Nixon people's posture toward the press was anything other than threatening when he examines the President's own statements. Shortly before his re-election in 1972, Nixon issued the following directive to aides Haldeman and Dean:

> I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. If we had a very close election and they were playing the other side I would understand this. No--they were doing that quite deliberately and they are asking for it and they are going to get it. We have not used the power in this first four years as you know. We have never used it. We have not used the Bureau and we have not used the Justice Department but things are going to change now. And they are either going to do it right or go.[17]

Considering the number of journalists on the "Enemies List," one is drawn

to the undeniable conclusion that the statement calls for nothing short of intimidation. How ironic that this voice, a decade earlier, could have indicted President Kennedy for not understanding the role of a free press.[18]

The right of officials in government to be critical of news media is not in question here. At issue is the ability of a free press to function when threatened or subjected to other forms of intimidation. To me, the standard of judgment is clear. Criticism of the press for the purpose of assuring that governmental acts are viewed only in favorable terms is inappropriate and irresponsible.

Closely related to intimidation of the press are attempts to control the exercise of free speech. In his testimony before the Senate Select Committee on Presidential Campaign Activities, John Dean related the following example of directed interference with a citizen's right to free expression:

> I was made aware of the President's strong feelings about even the smallest of demonstrations during the late winter of 1971 when the President happened to look out the windows of the residence of the Whitehouse and saw a lone man with a large ten foot sign stretched out in front of Lafayette Park, Mr. Higby called me to his office to tell me of the President's displeasure with the sign and told me that Mr. Haldeman said the sign had to come down. When I came out of Mr. Higby's office, I ran into Mr. Dwight Chapin who said he was going to get some 'thugs' to remove that man from Lafayette Park. He said it would take him a few hours, but they could do the job.[19]

Although the demonstrator was not physically removed from the scene, he was shuttled around the corner out of the President's sight.

Perhaps a more impressive example from the point of the view of the numbers involved was the mass arrest of 12,000 anti-war protesters in Washington, D.C. between May 3 and 5 of 1971.[20] The official justification was that the demonstrators were disrupting traffic and otherwise creating

problems for the safety of the city. Some probably were. If all those arrested had been breaking the law, they should have been charged accordingly. As it turned out, the majority was simply detained. Since formal charges were not brought in most cases, it seems likely that the real concern was in minimizing the protesters' impact. If so, then undue interference with the right of free expression was exercised in this situation.

Freedom of speech is one of our most important Constitutional guarantees, and we should be ever mindful of threats to its continuance. Although it is the responsibility of the courts to define the limits of free expression, we cannot assume that attention will always be paid to their definitions. As the Mosher Committee pointed out in reaction to the troop of witnesses appearing before the Senate Watergate Committee, "Very few of the top witnesses indicated any sense of understanding or appreciation of democratic ideals or principles."[21]

Cases involving the possible abridgement of free speech can be judged against the following criterion: Deliberate attempts by governmental agents to suppress or otherwise interfere with an individual's legitimate exercise of free expression within the limits defined by our courts are inappropriate and irresponsible. The McCarthy and Nixon eras and all that they augured for the maintenance of civil liberties are too recent memories for any of us to be unconcerned about the implications of permitting the abridgement of this most fundamental right.

Some individuals believe that we have never been closer to one man rule in our history than we were during the five and one half years of Richard Nixon's administration. The truth of this proposition is probably best

left to future scholars to decide; however, it is now already apparent that the power of the Presidency has grown enormously in the twentieth century, a fact which Arthur Schlesinger, Jr. has carefully traced in his recent book The Imperial Presidency.[22] Strong Presidents have brought increasing power to their office, but the means by which the Nixon administration attempted to strengthen the hand of the Presidency appear unique. This perception may be only the result of our having a more thorough record of its activities. Whatever the case, the acts of political espionage that have surfaced in the investigations of the past two years constitute a cause for alarm.

In 1971, Donald Segretti was hired by the Committee to Re-elect the President.[23] Sometimes portrayed by his apologists as just another Dick Tuck type of fun loving political prankster, within the space of eighteen months, Mr. Segretti and his staff has arranged for hecklers to be present at Democratic candidates' rallies, falsified campaign literature, attributed the slogan "If you liked Hitler, you'll just love Wallace" to the Muskie organization, forged a letter on Muskie stationery accusing Senators Jackson and Humphrey with sexual impropriety, advertised free lunches and liquor at Muskie headquarters, announced the cancellation of a scheduled speech by former Secretary of the Interior Udall, ordered an airplane carrying the sign "Peace, Pot, and Promiscuity. Vote McGovern" to fly over the Democratic Convention Center, and engaged in a host of other abusive, malicious, and frequently illegal activities.[24]

In addition to the types of campaign practices carried out by Segretti and associates, let us not forget some of the other kinds of activities in which members of the Nixon political family were either directly or indirectly

involved, including the Huston Plan, the "Plumbers" operations, and the Watergate breakin.[25] Frequently excused as security measures, actions such as these point to a pattern of behavior directed toward a concentration of power heretofore unknown in the national experience.

In spite of Congressional efforts to enact legislation minimizing the occurrence of political espionage, I rather suspect that, at the very least, "dirty tricks" will continue to be a part of the American political scene. Moreover, while it is possible to separate legal from illegal activities, some of those that are not illegal may still be irresponsible. Hence, it seems to me that we need to be prepared to examine given cases of political activity and render ethical judgments regardless of legality. A standard for making such judgments might be: Overt and covert governmental acts designed to misrepresent a political candidate's, or any other citizen's, character or position or to violate said individual's rights are inappropriate and irresponsible.

Finally, I turn to the issue of disguised communication. Because the National Council of Teachers of English Committee on Public Doublespeak has done an admirable job of exposing and commenting on this phenomenon, I shall not dwell on the subject. I would like to suggest, however, that, from the point of view of responsibility, it is not ambiguity or euphemistic language per se that are at issue. The focus of our interest should be on governmental communication in which ambiguity, euphemism, and other forms of disguise are employed to mislead or deceive. The expression, "protective reaction strike," for example, to me represents more than just another illustration of the type of jargon commonly used by military personnel.

Rather, it has a strategic purpose: that is, leading the public to believe that we are not engaged in a type of activity which, in fact, we are. During the Vietnam war, an attack on the North might not be tolerated whereas a protective reaction strike would.

Another invidious, if not insidious, expression popularized during the period when John Mitchell was Attorney General is "preventive detention." Ostensibly, the term is a label for the act of incarcerating individuals with potentially dangerous criminal tendencies. In practice, however, it could easily refer to the imprisonment of anyone whom a government in power happens to believe is its enemy.

Remembering that we are concerned with language chosen to conceal intentions rather than with all forms of ambiguity, I propose the following criterion: Language employed by governmental figures for the purpose of deliberately obscuring the activity or idea it represents is inappropriate and irresponsible. Because of the availability of public statements, one could harbor the illusion that this evaluative standard is easy to implement. Actual application, however, may be complicated by the difficulty of identifying intentions. As a result, I trust that we would utilize this criterion with as much care and caution as any of the others.

Hans Morgenthau has recently suggested that:

> If democratic government is defined as the choice by the people at large, according to preestablished rational procedures, of the personnel and, through it, of the policies of the government, then the decline of democratic government throughout the world is an observable fact.[26]

By being sensitive to the actions and public statements of government officials, and by willingly pointing to instances of irresponsibility, the members of Speech Communication Association can, I think, develop a constructive, even

if small, role in the maintenance and evolution of our social institutions. But even if the prospect of achievement is minimal, I would urge us to take such action, not because it is fashionable nor because we are morally superior. We should undertake such activity because it is right.

FOOTNOTES

1. Gustav Bergmann, "The Concept of Ideology," Ethics, 61 (April, 1951), 205-218.

2. Cited by David Wise, The Politics of Lying (New York: Vintage Books, 1973), pp. 62-63.

3. The End of a Presidency (New York: Bantam Books, 1974), p. 186. Compiled by the staff of the New York Times.

4. Ibid., pp. 323-353.

5. See Wise, pp. 213-218.

6. Maxwell D. Taylor, Interview on CBS news, June 17, 1971.

7. Wise, p. 100.

8. Richard Harwood, Washington Post, June 29, 1971.

9. John Osborne, The Fifth Year of the Nixon Watch (New York: Liveright, 1974), p. 106.

10. The Presidential Transcripts (New York: Dell Books, 1974), pp. 220-226.

11. See James David Barber, The Presidential Character (Englewood Cliffs, New Jersey: Prentice-Hall, 1972), pp. 319-330.

12. Wise, pp. 47-51.

13. Barber, p. 324.

14. Wise, p. 336.

15. Ibid., pp. 336-356.

16. Carl Bernstein and Bob Woodward, All the President's Men (New York: Simon and Schuster, 1974), p. 105.

17. The Presidential Transcripts, p. 38.

18. Cited by Arthur Schlesinger, Jr., The Imperial Presidency (New York: Popular Library, 1973), p. 328.

19. John W. Dean, Hearings Before the Select Committee on Presidential Campaign Activities of the United States Senate, vol. 3 (Washington, D.C.: U.S. Government Printing Office, 1973), 917.

20. The Fall of a President (New York: Dell Books, 1974), pp. 177-178. Compiled by the staff of the Washington Post.

21. Frederick C. Mosher, Watergate: Implications for Responsible Government (New York: Basic Books, 1974), pp. 12-13.

22. The Senate Watergate Report, vol. 1 (New York: Dell Books, 1974), 249.

23. Ibid., pp. 255-271.

24. All of these operations are described and discussed in The Senate Watergate Report, pp. 51-316.

25. Schlesinger, op. cit.

26. Hans J. Morgenthau, "Decline of Democratic Government," The New Republic, 171 (November 9, 1974), 13.